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**Notice of Allowability**

Application No.

10/692,737

Examiner

Hai C. Pham

Applicant(s)

ENDO ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP, 1308.

1. ☒ This communication is responsive to Amendment filed 07/27/06.
2. ☒ The allowed claim(s) is/are 1-10 and 21-33.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Reasons For Allowance***

1. The following is an examiner's statement of reasons for allowance: Claim 1 is patentable over the prior art of record because of the specific laser marking method for forming a predetermined marking pattern by an arrangement of dots by creating cavities in an interior portion of an emulsion layer of a light-photosensitive heat-developing material using a laser oscillator, the method comprising the steps of starting illumination of a laser beam from a laser oscillator onto the light-photosensitive heat-developing material having a surface layer including an emulsion layer formed on a surface of a base layer, forming the cavity at the interior of the surface layer by energy of the laser beam, forming a convex portion as a dot on a surface of the light-photosensitive heat-developing material by completing illumination of the laser beam at a point in time when a portion illuminated by the laser beam on the surface layer is deformed into a convex shape by the cavity. The combined limitations as currently claimed are not taught by the prior art of record considered alone or in combination.

Claim 21 is patentable over the prior art of record because of the specific laser marking method, which comprises the steps of starting illumination of a laser beam from a laser oscillator whose oscillation wavelength is in a 9  $\mu\text{m}$  band onto a light-photosensitive heat-developing material having a surface layer including an emulsion layer formed on a surface of a base layer, forming a cavity at the interior of the surface layer by energy of the laser beam, forming a convex portion as a dot on a surface of the light-photosensitive heat-developing material by completing illumination of the laser beam at a point in time when a portion illuminated by the laser beam on the surface

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layer is deformed into a convex shape by the cavity formed in the interior portion of the surface layer, forming a predetermined marking pattern by the dot or an arrangement of the dots, and controlling an oscillation output of the laser oscillator and an illumination time of the laser beam. The combined limitations as currently claimed are not taught by the prior art of record considered alone or in combination.

Claims 2-10 and 22-33 are allowed because they are directly or indirectly dependent from claims 1 and 21 above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Terminal Disclaimer***

2. The terminal disclaimer filed on 07/27/06 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent No. 6,908,728 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Contact Information***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C. Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vip Patel can be reached on (571) 272-2458. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HAI PHAM  
PRIMARY EXAMINER

August 4, 2006